

S. No. 50(R) - P. 414/C

ELECTION COMMISSION OF INDIA

Subject:- Writ Petition (Civil) No. 494 of 2012 – Justice K.S. Puttaswamy (Retd.) and Another Vs. Union of India and Others before the Supreme Court – interim order – regarding.

While referring the main Writ Petition and connected batch of Writ Petitions questioning the validity of the 'Aadhaar Scheme' on the ground that it is an invasion on the right of privacy, which the petitioners contend is a fundamental right, to a larger Bench, the three member Bench has passed an interim order yesterday (11.08.2015) placing some restrictions on the use of Aadhaar number and Aadhaar card and the data collected by UAIDA in connection therewith. A copy of the said order is placed below for kind perusal.

2. Electoral Rolls Division may kindly study the above order and examine its implications vis-à-vis the instructions and directions issued by the Commission in connection with the NERPAP and the web-site www.nvsp.in.

(The contempt petition moved against the CEC and some others will now be taken up by the larger Bench of the Supreme Court, to whom the main issue has been referred).

TRUE CERTIFIED COPY

Rajan Agarwal
राजन अग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली-110001
Ashoka Road, N. Delhi-110001

S.K. Mendiratta
(S.K. MENDIRATTA)
LEGAL ADVISOR
12.08.2015

DEC (ST) — on Tour

DEC (US)

Sery (NNB)

A. examine the order & put up as to how it affects the Commission's policy of collection of Aadhaar numbers.
B. 12/8

Reference from pre page:-

S. No.	List of Supreme Court's Order	Office Comments
1.	The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card.	This is for Union Government. So far the Commission' is concerned, we have already made it amply clear to CEOs that Aadhaar is not mandatory and it is optional.
2.	The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen.	The Commission has also clarified that no electoral service will be denied or no application will be refused or no name of existing elector will be deleted from roll on the ground of non-furnishing of Aadhaar Number.
3.	The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme.	This should be applicable to NERPAP as the Commission is also among the respondents and the Hon'ble Supreme Court has barred the respondents from using Aadhaar Number for any purpose other than PDS or LPG distribution.
4.	The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.	In this section, the Hon'ble Supreme Court has restricted UIDAI to share the information "(which includes Aadhaar Number) collected by them for any other purpose mentioned in item 3 above. It appears from item 3 and item 4 that now onwards no Aadhaar Number should be collected. As regards fate of Aadhaar Number already collected, the matter requires further examination by Judicial Division and a consultation with UIDAI whether they can extend assistance to us for seeding the same.

is file handed

re my

to (us), This

is discussed.

in my a dft

discussed.

Submitted for consideration

TRUE CERTIFIED COPY

RAJAN AGARWAL
Joint Secretary
Commission of India
Ashoka Road, N. Delhi-110001

Sy (N/R)

12/08/15

12/8

7/10/15

Ref: pre-page.

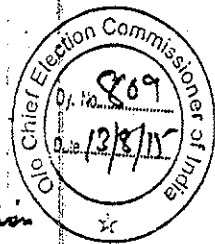
A draft letter, addressed to the chief Electoral officers of all states/UTs for keeping all activities relating to Aadhaar under NERPA in abeyance till further direction is put up for approval please.

13.08.15

DEC (VZ)

Secy (NINR)

13/8



May pl. like to see the draft instruction prepared in the light of Hon'ble Supreme Court's order passed in respect of linking of Aadhaar number with our EPIC data. and give suggestion if any.

13/8/15

LA/SEM)

13/8/15

DEC (JT) or lower

DEC (VZ)

A copy of "Supreme Court order" should also be appended to the Instructions to CEOs

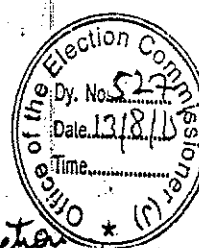
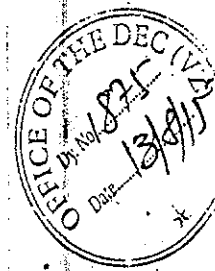
Submitted for
checking H.

13/8

EC (JT)

13/8

1. slight addition in the draft
 2. NVSP website be also cleared of Aadhaar collection entries for those with wherever it occurs
3. order be issued forthwith for compliance by email to put up clean Aadhaar.



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Ashoka Road, N. Delhi-110001

13/8/15

S.N. 51/17 (NNA) Smt (I)

Ref. ~~one~~ CR's minutes as proposed, -

may kindly see for immediate action
as regards NVSP portal.

~~10/8~~

~~13/8~~

Email communication has been sent to
DG E-DAC & team for blocking & stopping
Andhra number collection from through
NVSP website. Pl. put up DFA

Pl. Give a
copy to I/C

for sending a formal

Letter (NVSP)

27
- 13/8

letter to CAC from file of IT division.

2. Issue the letter through post.

3. Re-submit the file as discussed.

~~10/8~~

~~13/8~~

Computer Division is requested to
retain photo copy of relevant part of note for
sending a formal letter to CAC from file of
IT Division.

14/8/15

14/8

US(IG)

I.T (Computer) Section

Ref. above

Copy of Note portion and judgement
of Supreme Court has been retained in my
Section. The file may now be returned to
CRS.

US(IG)
Secy (NNB)

14/8/15

TRUE CERTIFIED COPY

Rajan Agarwal

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Ashoka Road, N. Delhi-110001

Contd

The Commission's directions on Aadhaar -
collection has been issued to all CEs as per draft
approved by the Comm'n at prepage. A copy of
the letter has also been put on the Comm'n website. F/A
Necessary instructions to CoAC for MVSP portal
have been sent. @ F/B.

As directed, a Press Note on the lines of
the Comm'n's letter referred to above, may also be
issued. Accordingly, a draft Press Note is
placed below for approval.

[Signature]
14/8/2015

[Signature]
14/8/2015

May like to see or suggest if some modification required
May like to get the approval
of the Commission.

9/14/5/15

TRUE CERTIFIED COPY
Rajan Agarwal
जन अग्रवाल/RAJAN AGARWAL
अधीनस्थ अधिकारी/Section Officer
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Investment Commission of India
अनोक रोड, नई दिल्ली-110001
Asnoka Road, N. Delhi-110001

[Signature]
Dir (DO)

[Signature]
For kind approval

[Signature]
CE

Discussed in
Commission

[Signature]
14/8/2015

[Signature]
DEC (US)

Has the information been
posted on the website.

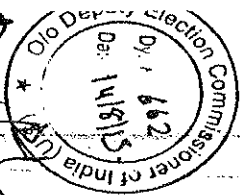
by the indications have already been upstart
on the common inside.



The matter was discussed in the Comm. on
Open Release. in not ~~to be~~

~~needed~~ needed since it is already
uploaded on the ECI website. (1)

198



Len (NMB)

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Instructions have been issued for keeping all the activities of collection feeding seeding of fallah in abeyance with immediate effect in the light of stern order of honorable supreme court in WP(C) No 494 of 2012 on 11th August, 2015.

TRUE CERTIFIED COPY
further necessary action so that the water
agitated before the larger bench, when the water is
adjudged for wet heating.
JHE
20/08/15

निम्न अधिवक्ता/Regional AGA's Office
अनुभाग अधिवक्ता/Section Officer
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✓
AID

✓ As discussed with (Hq),
- the file is submitted, ~~for~~ ready.

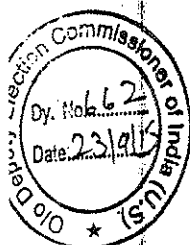
1-23

Reference from pre-page:

The matter relates to Supreme Court's Interim Order dated 11th August, 2015 in Writ Petition (Civil) No. 494 of 2012 Justice K.S. Puttaswamy (Retd.) & Another vs. Union of India & Others.

The matter was discussed in the Commission's meeting. It was further discussed by DEC (US) with EC (R) on 17th September, 2015, when LA (SKM) and the undersigned were also present.

DEC (US) appraised EC (R) about the objectives of NERPAP and effect of the Supreme Court's above referred Order on the said programme. As already desired by the Commission in its earlier meeting, EC (R) asked DEC (US) to meet Sh. Ashok Desai, Sr. Counsel to brief him about the Commission's views and request him to place the same before the Supreme Court whenever the matter comes before the larger bench. It was discussed that the Supreme Court may be informed that Aadhaar linked Voter Registration System would be very useful for preparing an error and defect free electoral roll. It may also be pointed out that several Asian and African countries such as Mongolia, Ghana, Tanzania, Somaliland etc. have deployed / are testing similar type of biometric ID solutions for voter registration/verification.



Submitted please.

[Handwritten signature]
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22/9

More info. is required re: global practices.
Check if same report of
UNDP, ~~and~~ International IDEA, AIG
has a report on this issue.
Also find out from the UNDP.
~~contact~~ UNV to find out from
UNDP re: hrs.

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[Handwritten signature]

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28/9
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28/9